

Exhibit 27

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1180 Peachtree Street, N.E.
9 Atlanta, Georgia 30309
Telephone: (404) 572-4600
10 Facsimile: (404) 572-5100

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.
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Case No. 3:10-cv-03561 WHA

**GOOGLE INC.'S DEPOSITION CLIPS OF
HENRIK STAHL PLAYED BY VIDEO
DURING TRIAL**

Trial Date: May 9, 2016
Dept: Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 7803

CASE NO. 10-03561 WHA

DATE ENTERED _____

BY _____

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GOOGLE INC.'S DEPOSITION CLIPS OF HENRIK STAHL PLAYED BY VIDEO DURING TRIAL
Case No. 3:10-cv-03561 WHA

1060606.01

1 Defendant Google Inc. submits the following deposition clips of Henrik Stahl played by
2 video on May 16, 2016.


3
4 Dated: May 16, 2016

KEKER & VAN NEST LLP

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6 By: s/ Robert A. Van Nest
7 ROBERT A. VAN NEST
8 CHRISTA M. ANDERSON
9 DANIEL PURCELL

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Attorneys for Defendant
GOOGLE INC.

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 **Stahl, Henrik (Vol. 01) - 01/14/2016 [2210624A]**

1 CLIP (RUNNING 00:13:57.579)



Good morning, Mr. Stahl. ...

STAHL_CLIP_1

40 SEGMENTS (RUNNING 00:13:57.579)

**1. PAGE 10:22 TO 11:02 (RUNNING 00:00:13.138)**

22 Q. Good morning, Mr. Stahl.
 23 A. Good morning.
 24 Q. Could you please state your full
 25 name for the record?
 00011:01 A. My name is Per Henrik Stahl. My use
 02 name is Henrik.

2. PAGE 11:06 TO 11:17 (RUNNING 00:00:28.027)

06 Q. And you are a current Oracle
 07 employee, correct?
 08 A. Yes.
 09 Q. What is your title at Oracle?
 10 A. Vice president, product management.
 11 Q. How long have you been employed by
 12 Oracle?
 13 A. I started working for BEA Systems in
 14 2004. BEA was acquired by Oracle in 2007.
 15 Q. So you've been an Oracle employee
 16 since 2007?
 17 A. Yes.

3. PAGE 134:19 TO 135:13 (RUNNING 00:00:41.576)

19 Do you recognize Exhibit 1400,
 20 Mr. Stahl?
 21 A. I recognize it. It's an e-mail that
 22 I wrote to, I believe, my manager at the time.
 23 Or, actually, it might be -- not be a
 24 colleague. If not, he ended up being my
 25 manager.
 00135:01 I don't remember writing this
 02 e-mail, but I'm sure I did.
 03 Q. The e-mail is dated February 22,
 04 2012.
 05 Do you see that?
 06 A. Uh-huh.
 07 Q. And you say at the top of the
 08 string, "We have no solutions for smartphones,
 09 true, but if this is positioned in the wrong
 10 way, it can hurt feature phone business. Also,
 11 it can hurt the future of Java on mobile
 12 devices."
 13 A. Yes.

4. PAGE 146:03 TO 146:12 (RUNNING 00:00:23.925)

03 Q. And when you said, "We have no
 04 solution for smartphones," what did you mean by
 05 that?
 06 A. In this particular context, I meant
 07 we have no way -- Oracle does not provide a way
 08 for a Java developer to write a Java program
 09 and then deploy it to iPhone, Android and
 10 Microsoft phones.
 11 So within the context of this
 12 e-mail, that's what I meant.

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5. PAGE 148:25 TO 149:05 (RUNNING 00:00:19.253)

25 Q. Has Oracle ever licensed Java SE for
00149:01 use in a mobile phone?
02 A. I don't know. Not that I'm aware
03 of.
04 Q. Are you aware of any efforts by
05 Oracle to do so?

6. PAGE 149:07 TO 149:07 (RUNNING 00:00:02.528)

07 A. Not that I can recall.

7. PAGE 151:03 TO 151:19 (RUNNING 00:00:56.527)

03 Q. Is Exhibit 1422 an e-mail that you
04 wrote on December 21, 2011?
05 A. Yes, it must be.
06 Q. And you wrote this e-mail in the
07 ordinary course of your business at Oracle,
08 correct?
09 A. Yes.
10 Q. And the third bullet point down you
11 say, "Today, we have no part of the smartphone
12 market. It's all iOS and Android."
13 What did you mean by that?
14 A. So within the context of this
15 e-mail, I believe that -- in fact, I mention
16 iOS and Android, basically means we have -- we
17 have no solution I'm aware of that, you know,
18 runs on or parallel to iOS and Android.
19 It's an unclear statement.

8. PAGE 153:17 TO 153:18 (RUNNING 00:00:05.917)

17 Does Oracle currently have a product
18 that could compete in the smartphone market?

9. PAGE 153:20 TO 153:24 (RUNNING 00:00:16.262)

20 A. And we mean smartphone software
21 platform? Not that I'm aware. I would be very
22 surprised if such a product existed.
23 Q. Has Oracle ever had a product that
24 could compete in the smartphone market?

10. PAGE 154:01 TO 154:03 (RUNNING 00:00:06.979)

00154:01 A. As far as I'm aware, no, nor have I
02 been aware of any attempt to build such a
03 stack.

11. PAGE 162:19 TO 163:07 (RUNNING 00:00:43.419)

19 Q. Has Oracle made any effort to keep
20 up with the evolving technology for mobile
21 phones?
22 A. That's a variation of a question you
23 asked earlier. We are not investing in phones.
24 We made a conscious decision in the, you know,
25 2011, 2012 time frame not to invest in software
00163:01 for phones, except opportunistically if we had
02 a large customer asking for something specific.
03 Those decisions were based on the
04 simple observation that we didn't think there
05 was any market left after Android appeared and
06 got dominance, and no investments have been
07 made since, as far as I'm aware.

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12. PAGE 173:12 TO 173:21 (RUNNING 00:00:28.426)

12 Q. Do you believe, as you sit here
13 today, that Oracle would have to incur
14 significant costs to create a mobile phone
15 software stack?

16 A. I believe that creating a mobile
17 phone software stack is a significant
18 investment, yes. So for Oracle, it would be a
19 significant investment to do that, which would
20 have to be offset by, you know, revenue in some
21 shape, way or form.

13. PAGE 173:25 TO 174:21 (RUNNING 00:01:11.752)

25 Why does it take significant
00174:01 investment to build a mobile phone software
02 stack?

03 A. I'm no expert, but based on my
04 knowledge from software projects, building and
05 maintaining a complete software stack, any
06 complete software stack, is a fairly costly
07 endeavor, and when it involves interfacing with
08 hardware, you have to constantly invest in
09 keeping up with that hardware, and when that
10 hardware evolves rapidly, that constant
11 investment -- it's an ongoing cost.

12 You might be able to offset it by,
13 you know, getting someone else to pitch in and
14 help with some of that, which is what is
15 happening within the Linux community or Android
16 and the Google community, but it's a
17 non-insignificant tax however you look at it.

18 Q. So it takes a significant amount of
19 time and resources to build a mobile phone
20 software stack?

21 A. That's my layman estimate, yes.

14. PAGE 175:02 TO 175:05 (RUNNING 00:00:11.699)

02 Q. And Oracle chose not to undertake
03 the time and resource expenditure to build its
04 own competing software stack for mobile phones,
05 correct?

15. PAGE 175:07 TO 175:10 (RUNNING 00:00:08.783)

07 A. So we are now looking at the time
08 frame, late 2011 to 2012, yes, Oracle did
09 intentionally decide not to do that. That's
10 correct.

16. PAGE 193:01 TO 193:02 (RUNNING 00:00:05.527)

00193:01 Q. Do you recognize Exhibit 1425,
02 Mr. Stahl?

17. PAGE 193:03 TO 193:03 (RUNNING 00:00:03.029)

03 A. (Perusing.) So, yes, I do.

18. PAGE 198:02 TO 198:09 (RUNNING 00:00:18.306)

02 Q. If you turn to the next page of the
03 document, page 25, it says, "Java, as a mobile
04 platform, not competitive."

05 Do you see that?

06 A. I do.

07 Q. Is it correct that, as of
08 April 2012, Java, as a mobile platform, was not
09 competitive?

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19. PAGE 198:11 TO 198:19 (RUNNING 00:00:32.982)

11 A. I'm trying to remember what I meant
 12 when I wrote this. I believe that what I meant
 13 was that the current set of technology that
 14 Oracle provided as products were not
 15 competitive with up-to-date platforms in the
 16 market, and that was the current state of
 17 affairs when this was written.

18 Q. And by competitive, did you mean
 19 competitive on a technological level?

20. PAGE 198:21 TO 199:02 (RUNNING 00:00:15.860)

21 A. Both.

22 Q. What would be the other in both?

23 A. Business.

24 Q. Business. Okay.

25 So was it your view that, as of
 00199:01 April 2012, Java, as a mobile platform, was not
 02 technologically competitive in the market?

21. PAGE 199:04 TO 199:08 (RUNNING 00:00:10.076)

04 A. The Java product from Oracle, at
 05 that point in time, did not have all the
 06 features it would need in order to be, you
 07 know, a complete and competitive mobile
 08 platform.

22. PAGE 206:03 TO 206:05 (RUNNING 00:00:11.916)

03 Q. So consumers began to demand
 04 smartphones with more features as opposed to
 05 older feature phones, correct?

23. PAGE 206:07 TO 206:09 (RUNNING 00:00:06.565)

07 A. Consumers began to demand a more
 08 advanced functionality from their phones.
 09 That's correct.

24. PAGE 206:10 TO 206:12 (RUNNING 00:00:13.191)

10 Q. And Oracle did not provide a
 11 solution that could be used in those more
 12 modern feature-rich phones, correct?

25. PAGE 206:14 TO 207:02 (RUNNING 00:00:34.690)

14 A. We did not provide -- actually, we
 15 never provided a complete software stack for
 16 any phone. We licensed Java for phones.
 17 Now, when lower-end phones were more
 18 prevalent, Java ME was a great solution and a
 19 lot of vendors licensed Java from us.

20 When the hardware became more
 21 capable, the OEMs moved to Android, because it
 22 provided a Java-like environment. Why would
 23 they come and buy something from Oracle.

24 You could have taken Oracle's Java
 25 technology and used it in an Android phone,
 00207:01 right? There are no technical issues with
 02 that. It just wasn't done.

26. PAGE 207:19 TO 207:21 (RUNNING 00:00:08.253)

19 Q. And as people moved towards more
 20 advanced phones with more capabilities, they
 21 moved away from feature phones, correct?

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27. PAGE 207:23 TO 208:08 (RUNNING 00:00:27.193)

23 A. They moved away from low-end phones
 24 where Java ME was the best solution to run Java
 25 applications, which is, I guess, what we mean
 00208:01 when we say feature phones here.
 02 Q. The second bullet point in the
 03 document on page 30 says, "Old technology
 04 stack."
 05 A. Uh-huh.
 06 Q. Was it your view, at the time of
 07 this document in April 2012, that Java ME was
 08 an old technology stack?

28. PAGE 208:10 TO 208:21 (RUNNING 00:00:28.846)

10 A. Yes, I believe that if you wanted to
 11 continue to use and license Java ME and, in
 12 particular, to be able to compete with
 13 something like Android, would have to make
 14 significant investments in it.
 15 Now, that might not be the right
 16 decision, which is kind of what the third
 17 bullet here is referring to.
 18 Q. And Oracle did not, in fact, make
 19 the significant investment required to keep up,
 20 correct?
 21 A. We considered it.

29. PAGE 208:23 TO 208:24 (RUNNING 00:00:02.558)

23 A. We considered it. We decided
 24 against it.

30. PAGE 215:05 TO 215:07 (RUNNING 00:00:09.927)

05 Q. So there eventually came a point in
 06 time where Oracle gave up marketing Java ME for
 07 phones of any kind, correct?

31. PAGE 215:09 TO 215:11 (RUNNING 00:00:08.957)

09 A. There came a time when we decided
 10 that we would not invest in new versions of
 11 Java ME for phones. It's quite possible that

32. PAGE 220:03 TO 220:06 (RUNNING 00:00:16.567)

03 Q. Do you recognize Exhibit 1426,
 04 Mr. Stahl?
 05 A. (Perusing.) I don't remember it,
 06 but I'm sure I sent this.

33. PAGE 225:17 TO 226:12 (RUNNING 00:01:00.251)

17 Q. In the e-mail in Exhibit 1426, you
 18 say, "TCK's concern, on the other hand, was
 19 more geared towards dated upper stack APIs,
 20 which make Java ME look old and feature poor
 21 compared to Android."
 22 A. Uh-huh.
 23 Q. What did you mean by that?
 24 A. So with upper stack APIs, we meant
 00226:01 APIs that were specifically built to interact
 02 with modern, you know, hardware capabilities
 03 provide by in the current generation phones at
 04 the time, things like cameras and, you know,
 05 the GPS receiver, so on and so forth.
 06 There were Java ME APIs that
 07 provided access to such features, but those
 APIs were fairly dated, and they didn't work on

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08 Java SE.
 09 So what we did here was try to
 10 analyze, like, which of those APIs could we
 11 carry forward, and if we carried them forward,
 12 like, where would we start.

34. PAGE 226:13 TO 226:17 (RUNNING 00:00:11.900)

13 Q. What do you mean by carry forward?
 14 A. Take the APIs, modernize them, and
 15 make them -- make them work, not only on ME,
 16 but also on SE, so that you could more easily
 17 move between the two platforms.

35. PAGE 227:10 TO 227:12 (RUNNING 00:00:06.522)

10 Q. And why didn't Oracle go very far
 11 down that path of modernizing Java ME and Java
 12 SE?

36. PAGE 227:14 TO 228:04 (RUNNING 00:00:43.808)

14 A. So that's not a correct statement.
 15 We actually did modernize both Java ME and Java
 16 SE. The core platforms, as a matter of fact,
 17 are significantly modernized, and actually
 18 very, very good today, both Java ME 8 and SE 8.
 19 What we didn't do is we didn't
 20 produce new versions of all of these APIs that
 21 we identified as necessary to have, you know, a
 22 complete, modernized phone tablet stack.
 23 And the reason for that was simply
 24 once, you know, push came to shove, and we did
 25 the resource cost analysis and the revenue
 00228:01 analysis, it didn't make sense anymore. We
 02 didn't think there would be enough market. So
 03 we went and focused on embedded, which didn't
 04 need these APIs.

37. PAGE 228:05 TO 228:07 (RUNNING 00:00:13.283)

05 Q. So Oracle chose not to reproduce or
 06 modernize the APIs in Java ME or Java SE,
 07 correct?

38. PAGE 228:09 TO 228:19 (RUNNING 00:00:29.234)

09 A. For supporting phone-specific
 10 hardware, yes, we never produced any product
 11 or, like, officially supported updated library
 12 with this functionality.
 13 We did spend a fair amount of time
 14 on it, and there was a number of R&D projects
 15 proving the concept that this would be doable.
 16 Q. But Oracle chose not to actually
 17 complete that process?
 18 A. We choose never to productize it,
 19 correct.

39. PAGE 229:21 TO 229:23 (RUNNING 00:00:09.101)

21 Q. Did you believe, at the time you
 22 wrote this, that Java ME looked old and feature
 23 poor compared to Android?


40. PAGE 229:25 TO 230:06 (RUNNING 00:00:30.826)

25 A. I don't remember. I certainly
 00230:01 believed that there were, you know, development
 02 we had to make to enable the full range of, you
 03 know, modern phone capabilities to Java

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04 developers, things like an updated camera API,
05 a GPS stack and Bluetooth, and so on and so
06 forth.

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 **Stahl, Henrik (Vol. 01) - 03/31/2016 [2279519-1]**

1 CLIP (RUNNING 00:02:57.380)



Good morning, Mr. Stahl. ...

STAHL_CLIP_2

10 SEGMENTS (RUNNING 00:02:57.380)

**1. PAGE 5:15 TO 5:21 (RUNNING 00:00:10.606)**

15 Q Good morning, Mr. Stahl.
 16 Could you please state your full name
 17 one more time for the record?
 18 A My name is Henrik Stahl.
 19 Q And you are a current Oracle employee,
 20 correct?
 21 A Correct.

2. PAGE 39:05 TO 39:20 (RUNNING 00:00:46.208)

05 What is your understanding of what
 06 market share the iPhone has today in the United
 07 States?
 08 A I actually don't know what their market
 09 share is in the United States. I believe that the
 10 worldwide market share is on the order of 10 percent,
 11 probably a little bit more, and I base that on
 12 articles that I read in trade press.
 13 Q So in other words, approximately
 14 10 percent of the mobile phones in the world today
 15 are iPhones?
 16 A Yeah, I think that's correct.
 17 Q And the existence of 10 percent of the
 18 mobile phones in the world being iPhones does not in
 19 any way affect the potential market for Java in
 20 phones, in your opinion, is that right?

3. PAGE 39:22 TO 40:08 (RUNNING 00:00:36.219)

22 A So, like I said, if we were to remove
 23 the iPhone from the market today and not replace it
 24 with anything else, I guess there is a potential
 25 that, you know, the addressable market would be
 00040:01 larger, but I actually believe that the existence of
 02 iPhone as a, you know, the platform, and with a
 03 stronghold in the premium side of the market, that is
 04 actually positive for the phone market as a whole.
 05 So removing it would, in that way, be detrimental to
 06 the market. And my guess, I haven't done an
 07 analysis, is that these two things balance out, so I
 08 think it's neutral.

4. PAGE 40:09 TO 40:11 (RUNNING 00:00:06.010)

09 Q I'm sorry, did you say you haven't done
 10 the analysis, have not?
 11 A I have not done a detailed analysis.

5. PAGE 40:12 TO 40:14 (RUNNING 00:00:05.374)

12 Q Why do you say the existence of the
 13 iPhone is actually a positive for the phone market as
 14 a whole?

6. PAGE 40:16 TO 40:20 (RUNNING 00:00:11.982)

16 A So, like I said a number of times, I
 17 generally believe that competing products in the

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18 market, varying innovation in the market, can and
19 actually help expand the market for all players
20 involved.

7. PAGE 40:21 TO 41:03 (RUNNING 00:00:24.970)

21 Q Do you believe that the existence of
22 Android is a positive for the mobile phone market as
23 a whole?
24 A Yes, I think the existence of Android is
25 positive for the mobile phone market. And Android as
00041:01 an example of the widely-available platform. It
02 could have been any other platform, acclimated
03 platform.

8. PAGE 59:13 TO 59:15 (RUNNING 00:00:07.168)

13 Q Do you believe that Java ME provides the
14 features and functionality needed for a modern
15 smartphone?

9. PAGE 59:17 TO 59:22 (RUNNING 00:00:12.188)

17 A No, I believe that the logical choice
18 for a modern phone would be to adopt Java SE from a
19 technology perspective.
20 Q So you don't believe that Java ME has
21 the features and functionality needed for a modern
22 smartphone?

10. PAGE 59:24 TO 60:04 (RUNNING 00:00:16.655)

24 A I don't think it was ever intended for
25 that. Java ME was intentionally designed for
00060:01 resource restricted hardware. As hardware became
02 more powerful, there would be no reason to adopt Java
03 ME. It would be better to adopt Java SE, which has
04 the features I believe of the iOS functionality.

TOTAL: 2 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:16:54.959)
